HONOURABLE SRI JUSTICE N.V.RAMANA

WRIT PETITION No. 22763 of 2007

DATED: 29-10-2007

Between:

Smt R.Shashikala

…Petitioner

and

The Senior Personal Manager,
South Central Railway,
Secunderabad and another

…Respondents.

HON'BLE SRI JUSTICE N.V.RAMANA

W.P.No. 22763 of 2007

ORAL ORDER:

The grievance of the petitioner in this writ petition is that the 1st respondent is not releasing the retirement benefits including the pension to him.

According to the petitioner's own affidavit that a garnishee order has been passed directing to stop her pension and other retiremental benefits vide orders in I.A.No.1188 of 2007 in O.S.No.548 of 2007 on the file of the learned Principal Junior Civil Judge, Rajahmundry. In view of the said order, the 1st respondent is not releasing the pension and other retiremental benefits. Questioning the action of the 1st respondent, the present writ petition is filed.

It is clear from the material placed before this Court that admittedly there is an attachment order passed by the learned Principal Junior Civil Judge, Rajahmundry and if the petitioner is aggrieved by the said order, it is proper for him to approach the civil court and seek the attachment order passed by the said court vacated by bringing to the notice of the civil court about the provisions contained in Section 60 of C.P.C which says that pensionary benefits are not attachable.

In the circumstances, the writ petition is disposed of directing the petitioner to approach the civil court and seek the attachment order vacated. There shall be no order as to costs.

N.V.RAMANA, J

29-10-2007
GRR